

REMARKS

Applicants submit this Amendment After Final in reply to the final Office Action mailed May 1, 2006.

As an initial matter, Applicants would like to thank the Examiner for taking the time to speak with Applicants' representative on June 30, 2006. The contents of conversation are included in the following remarks.

Applicants also gratefully acknowledge the Examiner's indication of the allowability of the subject matter of claims 4, 7, 22, 25, 40, 43, 58, and 61. At least because Applicants believe that underlying independent claims 1, 19, 37, 55, and 73, as-amended, are allowable over the cited references, Applicants respectfully decline to rewrite the subject matter of claims 4, 7, 22, 25, 25, 40, 43, 58, and 61 as independent claims at this time.

By this Amendment, Applicants amend claims 1, 3, 6, 19, 21, 24, 37, 39, 42, 55, 57, 80, and 73. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1, 3, 6, 19, 21, 24, 37, 39, 42, 55, 57, 80, and 73. No new matter has been introduced.

Claims 1, 3-9, 11, 19, 21-27, 29, 37, 39-45, 47, 55, 57-63, 65, and 73 are pending in this application. Claims 1, 19, 37, 55, and 73 are independent claims.

On page 4 of the final Office Action, claims 1, 3, 6, 19, 21, 24, 37, 39, 42, 55, 57, 80, and 73 were objected to for informalities. Applicants have amended claims 1, 3, 6, 19, 21, 24, 37, 39, 42, 55, 57, 80, and 73 to correct the informalities. Accordingly, Applicants respectfully request withdrawal of the claim objections.

On pages 4-9 of the final Office Action, claims 1, 9, 11, 19, 27, 29, 37, 45, 47, 55, 63, 65, and 73 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,677,992 B1 to Matsumoto et al. ("Matsumoto"). Applicants respectfully traverse this rejection.

Matsumoto does not disclose the claimed invention. For example, independent claim 1 recites an image pickup method including, among other aspects, "calculating a pixel value for each of the plurality of images; multiplying the pixel value obtained at the calculating step by a factor set based on the exposure condition to calculate a positive value compensation amount; compensating the levels of the plurality of images on the basis of the exposure conditions under which they have been sensed respectively, to provide a plurality of compensated images by subtracting the positive value compensation amount from each image." Independent claims 19, 37, 55, and 73 recite similar aspects. As agreed to during the conversation between the Examiner and Applicants' representatives on June 30, 2006, Matsumoto does not disclose calculating a positive value compensation amount, and then subtracting that positive value compensation amount from each image.

Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 102(e) rejection based on Matsumoto.

On pages 9-14 of the final Office Action, claims 3, 5, 21, 23, 39, 41, 57, and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of U.S. Patent No. 6,278,490 to Fukuda et al. ("Fukuda"); and claims 6, 8, 24, 26, 42, 44, 60, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of U.S. Patent No. 4,757,386 to Sanner ("Sanner"). At least

because neither Fukuda nor Sanner have been cited as remedying the aforementioned deficiencies of the rejection under 103(a) in view of Matsumoto, and indeed the final Office Action has cited Matsumoto for reasons unrelated to the deficiency, Applicants respectfully request that the Section 103(a) rejections be withdrawn.

Claims 3-9, 11, 21-27, 29, 39-45, 47, 57-63, and 65 depend from one of independent claims 1, 19, 37, 55, and 73, and are therefore allowable for at least the same reasons that each respective independent claim is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore at least some also are separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the art cited against this application. Applicants therefore request entry of this Amendment After Final, the withdrawal of the final rejection, and the timely allowance of pending claims 1, 3-9, 11, 19, 21-27, 29, 37, 39-45, 47, 55, 57-63, 65, and 73.

The final Office Action contains other characterizations and assertions regarding the claims and the cited art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in

the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2006

By: 

Michael W. Kim
Reg. No. 51,880